

Notice of Allowability

Application No.

09/882,735

Examiner

Eileen O'Hara

Applicant(s)

FISHER ET AL.

Art Unit

1646

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--
claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included
ewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS
TICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative
he Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

☒ This communication is responsive to 18 May 2004.

☒ The allowed claim(s) is/are 1, 2, 4-6, 40, 7, 41-43, 8-10, 22-25, 28, 31-39, renumbered as claims 1-27, respectively.

☒ The drawings filed on 15 June 2001 are accepted by the Examiner.

☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the
International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements
oted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF
INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.

(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.

(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of
Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of
each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the
attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

☐ Notice of References Cited (PTO-892)

☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 5/5/03

☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)

6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.

7. ☒ Examiner's Amendment/Comment

8. ☐ Examiner's Statement of Reasons for Allowance

9. ☐ Other _____.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Donald L. Zuhn on December 8, 2004.

The application has been amended as follows:

Claim 1, line 15, insert – wherein said – after “the”, and line 18, delete “,” after “SEQ ID NO: 2.

Claim 2, third line, after SEQ ID NO: 14, insert – , provided however, that the truncated sTNFR polypeptide does not comprise amino acid residues 111-161 of SEQ ID NO: 2 or a portion thereof – .

Claim 34, line 12, replace “that hybridizes to the complement of” with – encoding a polypeptide that is at least 90 percent identical to the polypeptide encoded by – .

Claim 34, lines 12-13, delete “at 45°C in a hybridization buffer comprising 4x SSC and 0.1% SDS”, and line 15, delete “,” after “SEQ ID NO: 2.

Claim 36, line 12, replace “that hybridizes to the complement of” with – encoding a polypeptide that is at least 90 percent identical to the polypeptide encoded by – .

Claim 36, line 13, delete “at 45°C in a hybridization buffer comprising 4x SSC and 0.1% SDS”, and line 15, delete “,” after “SEQ ID NO: 2.

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Claim 37, line 5, after “thereof” insert – wherein the polypeptide does not comprise amino acid residues 111-161 of SEQ ID NO: 2 or a portion thereof – .

Claim 38, line 13, replace “that hybridizes to the complement of” with – encoding a polypeptide that is at least 90 percent identical to the polypeptide encoded by – .

Claim 38, line 114, delete “at 45°C in a hybridization buffer comprising 4x SSC and 0.1% SDS”, and line 16, delete “,” after “SEQ ID NO: 2.

Claim 39, line 6, after “thereof” insert – wherein the polypeptide does not comprise amino acid residues 111-161 of SEQ ID NO: 2 or a portion thereof – .

Cancel claim 44.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen B. O'Hara, whose telephone number is (571) 272-0878. The examiner can normally be reached on Monday through Friday from 10:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brenda Brumback can be reached at (571) 272-0961.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-1600.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

Eileen B. O'Hara, Ph.D.

Patent Examiner


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SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600